



**US Army Corps
of Engineers.**

Public Notice

Public Notice No. **05-76**

Date: **September 27, 2005**

Nashville District

Application No. **990011490**

Please address all comments to:
Nashville District Corps of Engineers, Regulatory Branch
3701 Bell Road, Nashville, TN 37214-2660

JOINT PUBLIC NOTICE **US ARMY CORPS OF ENGINEERS**

SUBJECT: Proposed Encapsulation and Filling of Stream to Facilitate Expansion of the Smith County Landfill in Smith County County, Tennessee

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army (DA) permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Before a valid Section 404 permit can be issued, certification, pursuant to Section 401(a)(1) of the CWA, must be provided by the State of Tennessee, Division of Water Pollution Control that applicable water quality standards will not be violated. The applicant has submitted an application to the state for Water Quality Certification under Section 401 of the CWA.

APPLICANT: Smith County
122 Turner High Circle
Carthage, Tennessee 37030

AGENT: Professional Engineering Services
P.O. Box 812
Sparta, Tennessee 38583

LOCATION: Approximately 1 mile northeast of Carthage in Smith County, Tennessee; Unnamed Tributary to Turkey Creek Mile 0.5R, a Tributary to the Cumberland River Mile 311.6R (Old Hickory Lake); Carthage, Tennessee (321-SW) Quadrangle; Latitude 36° 16' 19", Longitude 85° 55' 57"

DESCRIPTION: Smith County proposes a 15.76 acre expansion to their Class I landfill facility. The expansion would increase the active landfill to 30.69 acres. In order to facilitate the expansion, Smith County proposes the encapsulation of 280 linear feet of stream (255 feet of intermittent stream and 25 feet of ephemeral stream) flowing within a gully. The surrounding area would also be reshaped to direct storm water flow away from the gully. Flow in the system would also be reduced by the construction of the

impervious landfill liner which would reduce the spring recharge area. In total, Smith County seeks authorization to eliminate 1,040 linear feet of stream from the encapsulation, fill, and/or elimination of flow.

The applicant proposes to mitigate the impacts by enhancement along 4,300 linear feet of Turkey Creek. The mitigation would include livestock exclusion, pollution removal, and reestablishment of the riparian zone along the creek banks.

Plans of the work are attached to this notice. Additional information, including the mitigation proposal and documentation provided in support of the permit application, is available upon request.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the work, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the work, will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. Comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above and used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. This office will prepare an EA prior to a final decision concerning issuance or denial of the requested DA Permit.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist

which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer and the U.S. Department of the Interior, National Park Service - Atlanta.

Based on available information, the proposed work will not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act, and, therefore, initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Other federal, state, and local approvals required for the proposed work are as follows:

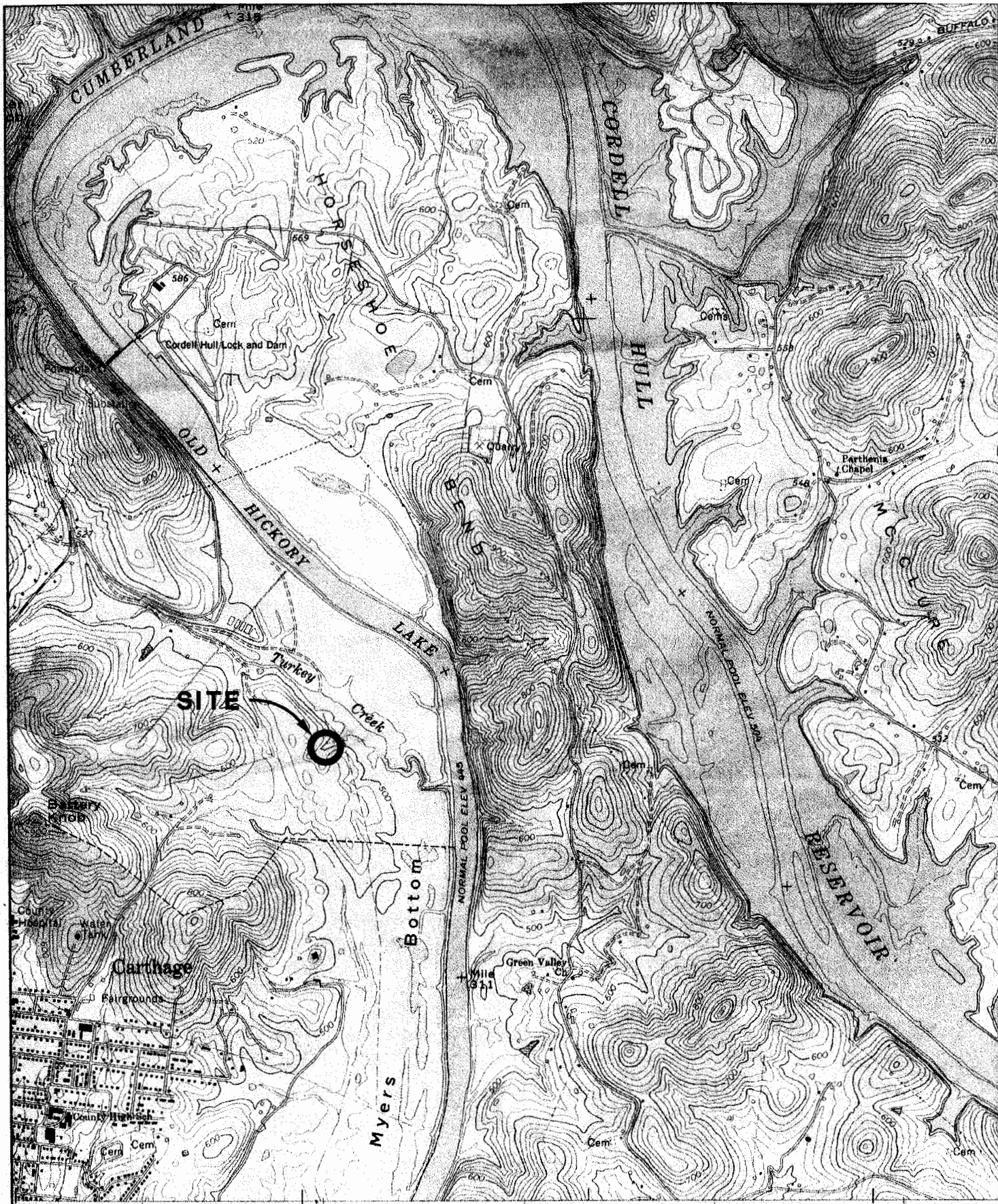
- a. Water Quality Certification from the State of Tennessee, Division of Water Pollution Control, in accordance with Section 401(a)(1) of the Clean Water Act.

- b. Solid Waste Disposal Facility (Landfill) Permit from the State of Tennessee, Division of Solid Waste Management.

Smith County has received a National Pollutant Discharge Elimination System (NPDES) permit from the State of Tennessee, Division of Water Pollution Control, in accordance with Section 402 of the Clean Water Act. The permit is identified by Tracking No. TNR053477.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received on or before October 27, 2005, will become a part of the record and will be considered in the determination. Written responses to this notice should be directed to the Regulatory Branch, Attention: Marty Tyree, at the above address. Oral questions or request for additional information can be directed to Mr. Tyree at (615) 369-7514.



TO U.S. 70N 595 (GORDONSVILLE) 596 597 55' 598 599

SCALE 1:24 000



CONTOUR INTERVAL 20 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929

CARTHAGE, TENNESSEE
321-SW

Primary highway
hard surface
Secondary highway
hard surface

PN 05-76 1/3
SMITH CO., TN

